

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

DAREKA BROOKS,

Plaintiff,

v.

GATEWAY PLASTICS, INC.,

Defendant.

Case No. 20-CV-1318-JPS

**ORDER**

On December 8, 2021, the parties filed a stipulation for conditional certification and authorization of notice to similarly-situated persons pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). (Docket #12). They have attached a proposed notice as Exhibit One. (Docket #12-1).

The Court has discretion to prescribe the form, manner, and timing of notice to ensure that putative collective members receive “accurate and timely notice concerning the pendency of the collective action, so that they can make informed decisions about whether to participate.” *See Hoffmann-La Roche Inc. v. Sperling*, 493 U.S. 165, 170 (1989). The parties’ stipulated notice explains the nature of the case and describes the collective as:

- (1) All current and former hourly-paid, non-exempt employees employed by Defendant at any time since August 27, 2017 who received a “Patriotic Bonus”; and
- (2) All current and former hourly-paid, non-exempt employees employed by Defendant at any time since August 27, 2018 who were required to don and doff uniforms while on Defendant’s premises.

(Docket #12 at 1–2; #12-1 at 1–2). The notice provides the would-be plaintiffs with a 30-day opt-in period and accurately explains the effects of opting into the litigation. (Docket #12-1 at 2–3). The stipulation explains that the putative collective action members will be notified via a single mailing, the cost of which will be borne by Plaintiff’s counsel. *See* (Docket #12 at 2).

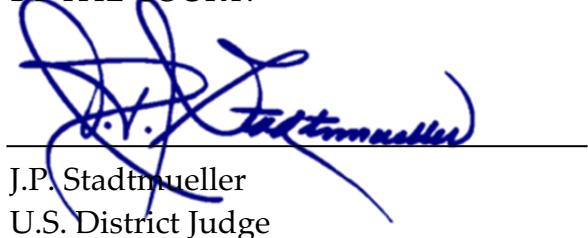
The Court will adopt the stipulation. Notice should be sent to the class if plaintiff makes “a modest factual showing sufficient to demonstrate that they and potential plaintiffs together were victims of a common policy or plan that violated the law.” *Adair v. Wisconsin Bell, Inc.*, No. 08-C-280, 2008 WL 4224360, at \*3 (E.D. Wis. Sept. 11, 2008) (citations and quotation marks omitted). The complaint alleges that Plaintiff and the potential plaintiffs were victims of the same policies, and Defendant does not dispute this point. (*See* Docket #1 ¶ 3). Once the class has opted in, the Court will determine whether the collective members are, in fact, similarly situated. *Brabazon v. Aurora Health Care, Inc.*, No. 10-cv-714, 2011 WL 1131097, at \*2 (E.D. Wis. Mar. 28, 2011).

Accordingly,

**IT IS ORDERED** that the parties’ stipulation for conditional certification and authorization of notice (Docket #12) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 13th day of January, 2022.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge